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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/748,895	12/27/2000	Yueheng Xu	INTL-0403-US(P8986)	5241

21906 7590 09/05/2006

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EXAMINER

NGUYEN, CHAU T

ART UNIT	PAPER NUMBER
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2176

DATE MAILED: 09/05/2006

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/748,895
Filing Date: December 27, 2000
Appellant(s): XU, YUEHENG

Mark J. Rozman
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed on 06/16/2006 appealing from the Office action mailed 10/21/2005.

(1) Real Party in Interest

The Appellant's statement of the real party in interest contained in the brief is correct.

(2) Related Appeals and Interferences

The Appellant's statement of the related appeals and interferences contained in the brief is correct.

(3) Status of Claims

The Appellant's statement of the status of the claims contained in the brief is correct.

(4) Status of Amendments

The Appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of The Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The Appellant's statement on the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

The following is a listing of the evidence relied upon in the rejection of claims under appeal:

Powell, US Patent Number 6,157,905, issued on December 5, 2000, but filed on December 11, 1997 (hereinafter Powell).

Taieb, US Patent Number 6,718,519, issued on April 6, 2004, but filed on August 27, 1999 (hereinafter Taieb).

Rojas et al., US Patent Number 6,425,123, issued on July 23, 2002, but filed on June 29, 1999.

Lincke et al., US Patent Number 6,397,259, issued on May 28, 2002, but filed on May 29, 1998.

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1, 3-7, 11, 13-17, 21, 23-24, and 26-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Powell, Patent No. 6,157,905, Taieb, Patent No. 6,718,519, and further in view of Rojas et al. (Rojas), Patent No. 6,425,123.

As to claims 1, 11 and 21, Powell discloses a method comprising:

receiving a file including characters (col. 11, line 43 – col. 12, line 14 and Fig. 6:receiving an input digital document and identify the character set and language of the digital document);

converting the characters of said file to a first code format if the characters are of a first type (col. 11, line 43 – col. 12, line 14: if the digital document representation is in a Latin-based byte character set, then generate a three-dimensional characterization (first code format) of the digital document using Table 1; and

converting the characters of said file to a second code format having a multiple double byte length if said characters are of a second type (col. 11, line 43 – col. 12, line 14: if the digital document representation is in a multiple byte character set, then generate a two-dimensional characterization (second code) using the mapping in Table 4).

However, Powell does not explicitly disclose displaying the characters of the file using the first code format or the second code format. In the same field of endeavor, Taieb discloses a multilingual text file is decomposed into segments, the invention looks up the preloaded list of system fonts to select the appropriate font (format) for each segments, and then the entire text is displayed with appropriate font for each segment (Fig. 7 and col. 7, line 47 – col. 8, line 51). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Taieb and Powell to include displaying characters of the file using the first code format

or the second code format in order to solve fundamental problem when trying to accommodate multilingual output.

However, Powell and Taieb do not explicitly disclose the first code format having a double-byte length. In the same field of endeavor, Rojas discloses translation of single-byte languages into a double-byte character set (first code format) (Abstract, Fig. 8, col. 2, line 48 – col. 3, line 21 and col. 10, lines 23-43). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Rojas and Powell and Taieb to include first code format having a double-byte length to create double-wide characters, and the double-wide characters increase the spacing, i.e., field length, typically needed for translation of the text into a different language.

As to claims 3 and 13, Powell-Taieb-Rojas disclose checking to determine whether a character set plane is changed (Powell, col. 13, line 38 – col. 15, line 2: detecting the characters/language of the segment of the digital document to be the single language script range).

As to claims 4 and 14, Powell-Taieb-Rojas disclose wherein if the character set plane is changed, inserting a new character set designator (Powell, col. 13, line 38 – col. 15, line 2 and col. 15, line 47 – col. 16, line 18: if the characters/language of the segment of the digital is not single language script range, then it must be a multiple language script range, and assign source code value to a unique target value (character)).

As to claims 5 and 15, Powell-Taieb-Rojas disclose determining whether the characters in the file are defined according to the first code format (Powell, col. 11, line 43 – col. 12, line 55: detecting the characters in the digital document means determines whether the digital document is expressed in a Latin-based single byte character (first code format)).

As to claims 6, 16 and 23, Powell-Taieb-Rojas disclose wherein if said characters are coded according to said first code format, table mapping Unicode values to said first code format (Powell, col. 14, lines 15-38 and Table 5).

As to claims 7, 17 and 24, Powell-Taieb-Rojas disclose wherein if said first code format is not utilized, using the surrogate area of Unicode (Powell, col. 14, line 40 – col. 15, line 2 and Table 5).

As to claims 26, 29, and 32, Powell-Taieb-Rojas disclose converting the characters to the first code format or the second code format before parsing a web page including the characters (Taieb, col. 3, line 29 – col. 4, line 38).

As to claims 27 and 30, Powell-Taieb-Rojas disclose wherein displaying the characters comprises converting each converted character into an encoding and indexing into a

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font file using the encoding to obtain the character (Powell, col. 7-8, Tables 1 and 2, and col. 13, line 59 – col. 15, line 47).

As to claim 28, Powell-Taieb-Rojas wherein the second code format accommodates at least 100,000 characters (Powell, col. 7, lines 6-37).

As to claim 31, Powell-Taieb-Rojas storing instructions that if executed enable the processor-based system to use the encoding to access the font file for the characters of the second type arranged in a row and column format (Taieb, Fig. 3: the motivation of Taieb's system is to identify the language or character set being used in the data so that a best match to available output fonts may be made).

Claims 2, 12 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Powell, Taieb, and Rojas as applied to claims 1, 3-7, 11, 13-17, 21, 23-24 and 26-32 above, and further in view of Lincke et al. (Lincke), Patent No. 6,397,259.

As to claims 2, 12 and 22, Powell-Taieb-Rojas disclose receiving a digital document (web page) in a plane and row format (Powell, col. 13, lines 4-15: digital document representation into segments (rows)). However, Powell does not explicitly disclose a web in a plane, row and column format. Lincke discloses web pages includes graphic, text, frame, tables (columns and rows), form, etc... (col. 3, lines 6-33 and col. 21, line 65 – col. 22, line 8). Thus, it would have been obvious to one of ordinary skill in the art at

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the time the invention was made to combine the teachings of Lincke and Powell-Taieb-Rojas to include a web page in a plane, row and column format in order to provide user friendly environment for web users.

(10) Response to Argument

In the Remarks, Appellant argued in substance that

(1) Claims 1, 3-7, 11, 13-17, 21, 23-24 and 26-32 are Patentable Under 35 U.S.C. §103(a) over Powell, Taieb and Rojas.

A. Claims 1, 5, 6, 7, 11, 15-17, 21, 23-24 and 28 are Patentable Under 35 U.S.C. §103(a) over Powell, Taieb and Rojas

A-1. "Powell nowhere teaches or suggests converting characters to first code format having a double-byte length if the characters of a first type and converting characters to a second code format having a multiple double-byte length if the characters are of a second type." (see page 11 of the Brief)

In reply to argument A-1, Appellant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In this case, Powell discloses in col. 11, line 43 – col. 12, line 14 that if the digital document represent is in a Latin-

based byte character set (first type of characters), then generate (convert) a three-dimensional characterization (first code format) of the digital document using Table 1, and if the digital document representation is in a multiple byte character set (second type of characters), then generate a two-dimensional characterization (second code format) using the mapping in Table 4. However, Powell does not explicitly disclose the first code format having a double-byte length. In the same field of endeavor, Rojas discloses in the Abstract, Fig. 8, col. 2, line 48 – col. 3, line 21 and col. 10, lines 23-43 that translation of single-byte languages into a double-byte character set (first code format). In additional support to the instance rejection, if converting of single-byte languages into a double-byte character set (in Rojas reference), then it would have been obvious to one of ordinary skill in the art at the time the invention was made to acknowledge that if the input digital document representation (in Powell reference) is expressed in a multiple byte character set is, then generating a two-dimensional characterization (second code format) of the input digital document representation using the Table 4, and the second code format must be multiple double byte length.

A-2. “Examiner fails to set forth a prima facie case of obviousness with respect to the subject matter of claim 1.” (see page 12 of the Brief)

In reply to argument A-2, to establish a prima facie case of obviousness, there basic criteria must be met.

First, there must be some suggestion or motivation either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. In this case, Powell discloses generating or converting digital document to either two-dimensional characterization or three-dimensional characterization based on character type of the digital document, which is similar to evaluating each character of the message to create the best matching font to output the text of Taieb, thus Powell and Taieb are analogous art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Powell reference and Taieb reference together. The motivation for doing so is to solve fundamental problem when trying to accommodate multilingual output.

Second, there must be a reasonable expectation of success. The prior art can be modified or combined to reject claims as prima facie obvious as long as there is a reasonable expectation of success. In *re Merck & Co., Inc.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In this case, claimed invention directed to a method of converting the characters of a file to different format was rejected as obvious over Powell reference, which taught generating or converting digital document to either two-dimensional characterization or three-dimensional characterization based on character type of the digital document, and further in view of Rojas reference, which taught using multi byte transliteration to create

double-wide characters. Thus, there was reasonable expectation that a process combining the prior art steps could be successfully scaled up.

Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Powell discloses generating or converting digital document to either two-dimensional characterization or three-dimensional characterization based on character type of the digital document, which is similar to evaluating each character of the message to create the best matching font to output the text of Taieb, thus Powell and Taieb are analogous art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Powell reference and Taieb reference together. The motivation for doing so is to solve fundamental problem when trying to accommodate multilingual output. In addition, Rojas reference teaches using multi byte transliteration to create double-wide characters, and thus Rojas is analogous art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was

made to combine the teachings of Rojas and Powell and Taieb to include first code format having a double-byte length to create double-wide characters, and the double-wide characters increase the spacing, i.e., field length, typically needed for translation of the text into a different language.

B. Claims 3, 4, 13 and 14 are Patentable Under 35 U.S.C. §103(a) over Powell, Taieb and Rojas.

B-1: The rejection of claims 3-4 and 13-14 is erroneous as the dependent claims depend from claims 2 and 12, which stand rejected under §103 over a combination of four references.

In reply to argument B-1, it was a typo error in the rejection of claims 3-4 and 13-14. Since claims 3-4 and 13-14 depend from claims 2 and 12, claims 3-4 and 13-14 should be rejected under 35 U.S.C. §103(a) over Powell, Taieb, Rojas and Lincke, instead they were rejected under 35 U.S.C. §103(a) over Powell, Taieb and Rojas. As Examiner admits above that it was a typo error. However, when making the rejection for claims 3-4 and 13-14, Examiner cited Powell reference for supporting the rejection, therefore, it will not effect the rejection whether claims 3-4 and 13-14 were rejected under 3 references or 4 references.

C. Claims 26, 29 and 32 are Patentable Under 35 U.S.C. §103(a) over Powell, Taieb and Rojas.

C-1. "Taieb nowhere teaches parsing a web page" (see pages 13-14 of the Brief).

In reply to argument C-1, Taieb discloses in col. 4, lines 6-38 that using a character table bank against which the ability of a number of character set to encode a given character is tested, and when a message (considered as a web page) of unknown origin is presented to the system, its characters are parsed and tested against the character table bank to identify which of the pool of character sets can express the character.

D. Claims 27 and 30 are Patentable Under 35 U.S.C. §103(a) over Powell, Taieb and Rojas.

D-1: The prior art does not teach converting each converted character into an encoding and indexing into a font file using the encoding to obtain the character (see page 14 of the Brief).

In reply to argument D-1, Powell discloses in col. 7-8, Tables 1 and 2 that characters are encoded in source values which are corresponding to each letter to a different target value, and the source values are indexed based on the target values shown in Table 1, and in the generating process, the facility maps each byte value in the sample digital document representation to a target value using the mapping shown in Table 1.

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E. Claim 31 is Patentable Under 35 U.S.C. §103(a) over Powell, Taieb and Rojas.

E-1: The prior art does not teach or suggest a font file that is arranged in a row and column format (see page 14 of the Brief).

In reply to argument E-1, Taieb discloses in Figure 3 that the characters in the Script 1 are arranged in rows and columns format.

(2) Claims 2, 12, 22 are Patentable Under 35 U.S.C. §103(a) over Powell, Taieb, Rojas and Lincke.

A-2-1: The prior art does not disclose receiving a web page in a plane, row and column format.

In reply to argument A-2-1, Powell-Taieb-Rojas disclose receiving a digital document (web page) in a plane and row format (Powell, col. 13, lines 4-15: digital document representation into segments (rows)). However, Powell does not explicitly disclose a web in a plane, row and column format. Lincke discloses web pages includes graphic, text, frame, tables (columns and rows), form, etc... (col. 3, lines 6-33 and col. 21, line 65 – col. 22, line 8). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Lincke and Powell-Taieb-Rojas to include a web page in a plane, row and column format in order to provide user friendly environment for web users.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is respectfully submitted that the rejections should be sustained.

Respectfully Submitted,



Chau Nguyen


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PRIMARY EXAMINER

Conferee:


Heather Herndon (Supervisor AU 2176)
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